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CLERK, U.S. DISTRICT COURT

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January 4, 2021

Honorable Judge
Andrea R. Wood
United States District Court

RE 13-cr-844, US v LEVENTHAL
PRELIMINARY RESPONSE TO GOV'T'S
MOTION DOCKET#: 46

Via Email to Courtroom Deputy and to Temporary E-Filing email

Your Honor:

THE CERTAIN NEED FOR A SPECIAL PROSECUTOR

Missing entirely in the Gov't's motion to reinstate Supervised Release in my case, is a single word of denial of any of the allegations I have made – twice – in this case about prosecutorial and other misconduct in this matter. It is unsurprising that the Government sidesteps the allegations I have raised about such misconduct; and instead attempts to enlist this court to further conceal such misconduct. They resort to diagnosing my mental state without having qualifications to do so and while ignoring the legal certainty that all of the allegations I have made in my various filings are admitted by them. There could be no greater need for a special prosecutor - as I have requested - to deal with the issues I have raised, than right now.

AUSA HOGAN'S HISTORY OF MISCONDUCT

It is also unsurprising that Mr. Hogan, the government's attorney in this matter, could not care less about allegations of misconduct. In fact misconduct for him is just part of the job. He was disbarred and fired by the Department of Justice twenty years ago for incredible disconnection from the rule of law, not unlike the misconduct committed to my extreme detriment in this matter, see Chicago Tribune article attached.

NO ATTEMPT WAS MADE TO CONCEAL THE RECORD

It is certain that the US Attorney's office of the Northern District of Illinois has access via this court's PACER system, to the entire record of my case in both the Eastern District of New York and the Northern District of Illinois. The government was on certain notice of my intent to seek early termination of supervised release for six months prior to this court's order of December 3, 2020. That Mr Hogan is lazy, incompetent, relegated to minor matters by his superiors due to his own history of misconduct and did not want to consume his valuable time to research the record is his fault - not mine. He and the US Attorney filed an unqualified statement of "no objection" to early termination of my supervised release and applied their signatures to it with full, complete, unfettered access to the record. Nothing about this merits reconsideration and even if I had wanted to conceal the record, doing so is impossible.

"DOXING"

Mr Hogan is apparently confused about the definition of "doxing." Doxing is publishing information in open forums like Twitter for example. The individuals who I served are all working at home. They certainly take no pause when publishing anybody else's name and address in their public filings and to the best of my knowledge, there is no law which prohibits filing notices of motion in the court's public record including the work address of those served, which in this case, is their home addresses, which I obtained from commonly available public sources.

“UNHINGED”

While almost everything written in the government’s motion to reconsider is either irrelevant or meritless, one part of it is most certainly true: I am “unhinged.” I am unhinged because I have not seen my beloved daughter for five years now, by design of the very individuals whom the government now seeks to hand over control of me again. Does this sound crazy or incredible? I agree, it is both. Except it is true and the Gov’t has admitted it.

I am unhinged because I have been repeatedly told to just “take it and shut up.” I am unhinged because I was physically tortured in prison by deliberate, malicious, negligent acts of these very same people; torture which has injured me with lasting medical consequences, none of which were denied by the Government either. What exactly is expected of me? To send these people thank-you notes and Christmas cards? They expected me to lose my mind and after only partially succeeding, they petition you now to make it worse.

I could go on and on regarding what exactly I am unhinged about, as I have in my civil RICO complaint in state court; none of the allegations of which have been denied either. I am unhinged about raising these issues over and over again over the last five years, being ignored and never provided with a moment of opportunity to test any of the facts before a jury. I am unhinged because all these people who have gained financially by inflicting this egregious harm upon me and my daughter, now apply to this court to assist them to further obstruct justice and further deny my right to seek redress for their misconduct.

What am I not unhinged about? About being convicted of a crime and about owing restitution to the victims. Just about the only thing written in my judgment of conviction not fabricated of whole cloth by the Government, was the actual loss and the names of the victims. It should be noted that even though some of the victims submitted damaging statements about me to the court during sentencing – I have never either written a single unpleasant or unkind word about any of them, nor sought redress against any of them, nor do I plan to do so. Why? Because for the most part, their submissions were true and did not seek to deny my rights, eviscerate my parenthood and incinerate me unduly with fabrications, like the Government did.

Neither I nor those people who enter federal court in the future should be forced to accept all of this undue abuse and just “take it and shut up.” That’s why I am unhinged. It is not in my nature to just take it and shut up, nor will it ever be in my nature or practice to simply walk away from my daughter in furtherance of the for-profit obstruction of justice conspiracy which took place here.

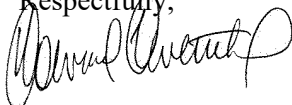
ASSIGNED COUNSEL

Buried in one of my three recent motions is a request for assigned counsel. Rather than a federal defender, I would appreciate it, if at all possible, to be assigned a CJA Panel lawyer who is not entirely dependent upon the Government for his or her income. Please.

REQUEST FOR EX-PARTE CONFERENCE

I respectfully request that the court kindly allow me a thirty-minute ex-parte online conference with the court, before the court call set for Friday at 11am if at all possible please. I propose to discuss an issue that does not bear directly on matter material to the various applications before the court. Many thanks for your kind consideration.

Respectfully,



Howard Leventhal

Two decades after scandal, prosecutor testifies in defense of El Rukn case

By JASON MEISNER

CHICAGO TRIBUNE |

DEC 09, 2016 AT 7:50 PM

William Hogan Jr.'s career as a federal prosecutor has long been linked to the landmark El Rukn trials that ended in controversy two decades ago over allegations that cooperating witnesses had used drugs in jail, stole sensitive prosecution papers and had sex in government offices.

At the time a rising Justice Department star, Hogan was fired from his job after the bombshell allegations surfaced. But he fought hard to clear his name, and two years later was ordered reinstated to his post at the U.S. Attorney's Office by an administrative judge who found no convincing evidence of wrongdoing on Hogan's part.

Now, some 20 years later, Hogan took the witness stand in a federal courtroom Friday to tell a jury about his stewardship of an El Rukn prosecution that decimated the gang's leadership. Hogan's testimony came in the trial over a lawsuit alleging former El Rukn general Nathson Fields was framed by Chicago police in a notorious 1984 double murder.

Using a sometimes contentious tone, Hogan, 65, now in his 36th year as a federal prosecutor in Chicago, denied he had any knowledge of the drug use or sexual misbehavior by several cooperating witnesses. Either way, he said, "it had nothing to do with the prosecutions." Hogan said the prosecution

documents that were found in a cell at the Metropolitan Correctional Center had been inadvertently snatched up by cooperating witness Derrick Kees during a visit to Hogan's office. The documents were recovered a short time later and did not contain anything that would have affected the witnesses' testimony, he said.

[story continues at: <https://www.chicagotribune.com/news/breaking/ct-el-rukn-trial-william-hogan-met-20161209-story.html>]